

1 **GREGORY NICOLAYSEN (CA 98544)**  
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6 **Email: [gregnicolaysen@aol.com](mailto:gregnicolaysen@aol.com)**

7 **Attorney For Defendant,**  
8 **John Brinson**

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11 **WESTERN DIVISION**

13	<b>UNITED STATES OF AMERICA,</b>	)	<b>CR 17 - 404(A) - AB - 2</b>
14		)	
15		)	<b>EX PARTE APPLICATION</b>
16	<b>Plaintiff,</b>	)	<b>FOR ORDER DIRECTING U.S.</b>
17		)	<b>MARSHALS TO BRING</b>
18	<b>v.</b>	)	<b>DEFENDANT JOHN BRINSON</b>
19	<b>JOHN BRINSON,</b>	)	<b>TO COURTHOUSE LOCKUP</b>
20		)	<b>FOR INTERVIEW BY</b>
21	<b>Defendant</b>	)	<b>DEFENSE PSYCHOLOGIST;</b>
22		)	<b>PROPOSED ORDER</b>

23 **Defendant John Brinson's CJA counsel of record, Gregory Nicolaysen,**  
24 **hereby applies ex parte for an Order directing the United States Marshals to**  
25 **bring Mr. Brinson to the lockup facility in the First Street Courthouse to for**  
26 **the purpose of having a forensic interview conducted for sentencing, by Dr.**  
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28

1 **Brian Abbott, Ph.D, who has been previously appointed to conduct a clinical**  
2  
3 **interview of Mr. Brinson for sentencing purposes.**

4 **As explained in Mr. Nicolaysen's attached declaration, a portion of the**  
5 **interview process involves the administering of certain clinical tests for**  
6 **which Dr. Abbott needs to use his laptop. The Metropolitan Detention**  
7 **Center (MDC) has approved Dr. Abbott to enter the facility for regular**  
8 **interview purposes, but will not allow Dr. Abbott to bring his laptop into the**  
9 **facility. For this reason, counsel seeks to have Mr. Brinson moved to the**  
10 **courthouse lockup specifically for the purpose of conducting that portion of**  
11 **the test that requires the use of the laptop. Dr. Abbott will conduct the**  
12 **remainder of the interview process at MDC.**

13  
14 **Dr. Abbott has requested the specific date of December 20, 2021, and**  
15 **this is reflected in the Proposed Order.**

16  
17 **DATED: November 30, 2021**

18  
19  
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21 **Respectfully Submitted,**

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24  
25 **/S**  
26 **GREGORY NICOLAYSEN**  
27 **Attorney for Defendant,**  
28 **John Brinson**

**DECLARATION OF GREGORY NICOLAYSEN**

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3  
4 1. I am an attorney duly licensed to practice law in the State of  
5 California (Bar #98544, licensed in year 1981). I am CJA counsel for Defendant  
6 John Brinson in the action entitled, U.S. v. Harrell, et. al., CR 17 - 404(A) - 2.

7  
8 All of the statements contained herein are made and based on my own personal  
9 knowledge and if called as a witness, I could and would testify competently  
10 thereto.  
11

12 2. Throughout this case, Mr. Brinson has been housed at MDC-LA.  
13

14 3. Dr. Brian Abbott, Ph.D., is a clinical and forensic psychologist who  
15 has specific expertise in the area of sex offender diagnosis, treatment and  
16 recidivism. He has testified in numerous sex offender proceedings and has been  
17 appointed by the CJA Office to conduct a clinical evaluation of Mr. Brinson for  
18 sentencing. Dr. Abbott is based in San Jose, CA and has traveled frequently to  
19 Los Angeles on professional assignments.  
20  
21

22 4. Dr. Abbott's clinical assessment of Mr. Brinson will consist of  
23 extensive interviewing in which various tests will be administered, among them a  
24 test known as the Abel Assessment For Sexual Interest, for which Dr. Abbott  
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1 needs to use his laptop. Attached as Exhibit 1 is a copy of Dr. Abbott's email  
2 confirming the need for the computer for this particular test.  
3

4 5. I have submitted the necessary application forms and information to  
5 MDC to obtain authorization for Dr. Abbott for enter the facility to meet with Mr.  
6 Brinson. Attached as Exhibit 2 is an email from Dr. Samantha Shelton at MDC  
7 dated November 26, 2021, informing me that Dr. Abbott was approved to enter  
8 the facility to interview Mr. Brinson, but that laptops are not allowed. Attached  
9 as Exhibit 3 is Dr. Shelton's follow-up email the same day reiterating that Dr.  
10 Abbott's laptop would not be allowed into MDC and offering to assist me in  
11 coordinating with the Marshals to have Mr. Brinson brought to the lockup where  
12 Dr. Abbott could use his laptop. Her emails were sympathetic to my needs and  
13 even indicated that there has been turnover at MDC; but it was clear that the use  
14 of the Marshals lockup was the only viable option available to me for Dr. Abbott  
15 to use his laptop in conducting the Brinson evaluation.  
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21 6. Dr. Abbott has advised me by email that, if this Court grants this  
22 application, his preferred date to conduct the interview with Mr. Brinson in the  
23 Marshal's lockup is Monday, December 20, 2021, in the morning.  
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26 7. For the reasons discussed above, in order to allow Dr. Abbott to use  
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1 his laptop in conducting a clinical evaluation of Mr. Brinson for sentencing, I  
2 request that the Court approve the lodged Proposed Order directing the Marshals  
3 to transport Mr. Brinson to the Marshal'S lock-up at the First Street Courthouse  
4 in the morning of December 20, and further ordering the Marshals to grant Dr.  
5 Abbott access to a meeting room in the lockup to conduct the interview with the  
6 use of his laptop.  
7

8  
9  
10 8. In accordance with the Local Rule requirements for filing ex parte  
11 applications, I have sent an email to AUSA Devon Myers explaining these  
12 circumstances and that I would be making this request to the Court. Ms. Myers  
13 responded by email that she has no objection to this ex parte application.  
14

15 I declare under penalty of perjury that the foregoing is true and correct.  
16

17 Executed on November 30, 2021, at Valencia California.  
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19 \_\_\_\_\_  
20 /S/  
21 GREGORY NICOLAYSEN  
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I can do a paper and pencil test for one test but then I would have to test him one day and do most of the evaluation and return the next days in case I have any questions that come up after running the results from the paper and pencil test. The most important test that measures sexual interest can only be administered via computer.

Best Regards,

**Brian R. Abbott, Ph.D.**

**Brian R. Abbott, Ph.D.**

Licensed Clinical Psychologist

PSY18655 (CA)

PY60248127 (WA)

Illinois Licensed Sexual Offender Evaluator #271

111 N. Market Street, Suite 300

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-----Original Message-----

From: Samantha Shelton <sshelton@bop.gov>

To: gregnicolaysen@aol.com

Sent: Fri, Nov 26, 2021 8:02 am

Subject: Dr Abbot - John Brinson

Good Morning,

Dr. Abbot has been approved to enter the institution to evaluate Brinson, John, Reg. No. 76587-097. He may enter the department during regular visiting hours. Laptops are not approved at the MDC-LA. Should Dr. Abbot require a laptop, you can arrange for him to meet with Brinson in the Marshals holding area. I apologize for the wait. We've had some turnover at the institution.

Dr. Samantha Shelton

Metropolitan Detention Center - LA

535 N Alameda St.

Los Angeles, CA. 90012

213-485-0439 x 5181

213-253-9582 (fax)

From: Samantha Shelton <sshelton@bop.gov>  
To: Gregory Nicolaysen <gregnicolaysen@aol.com>  
Sent: Fri, Nov 26, 2021 12:25 pm  
Subject: [EXTERNAL] Re: Dr Abbot - John Brinson

In the VERY rare occurrence a laptop is allowed into the institution, psychology staff is tasked with supervising the visit. We are down staff and simply do not have the manpower to consider this at this time. Given our slow response to this request, I can try to help coordinate a Marshals visit. Please check with Dr. Abbot regarding his need versus desire for a laptop as convenience and we can go from there.

I completely understand the inconvenience of this and will try to assist you in this matter. Thank You.

Dr. Samantha Shelton  
Metropolitan Detention Center - LA  
535 N Alameda St.  
Los Angeles, CA. 90012  
213-485-0439 x 5181  
213-253-9582 (fax)  
>>> Gregory Nicolaysen <gregnicolaysen@aol.com> 11/26/2021 10:14 AM >>>